

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

NATIONAL ELECTRONICAL ANNUITY PLAN,

Plaintiff,

Case No. 18-cv-13701

v.

Hon. Robert H. Cleland  
Mag. Stephanie Dawkins Davis

HENKELS & MCCOY, INC.,

Defendant.

---

George H. Kruszewski (P25857)  
Sachs Waldman  
*Attorneys for Plaintiff*  
1423 East Twelve Mile Road  
Madison Heights, MI 48071  
(248) 658-0800  
[gkruszewski@sachswaldman.com](mailto:gkruszewski@sachswaldman.com)

Brian M. Schwartz (P69018)  
MILLER, CANFIELD, PADDOCK AND STONE,  
P.L.C.  
*Attorneys for the Defendant*  
150 West Jefferson, Suite 2500  
Detroit, Michigan 48226  
(313) 963-6420  
[schwartzb@millercanfield.com](mailto:schwartzb@millercanfield.com)

---

**DEFENDANT'S PRELIMINARY WITNESS LIST**

Henkels & McCoy, Inc., ("Defendant") hereby submits its Preliminary Witness List, pursuant to the Court's May 15, 2019 Scheduling Order (Non-Jury). Defendant states that the following witnesses may be called at trial if it appears that they have noncumulative knowledge of facts relevant to issues which may arise at trial:

1. Steve Freind

Mr. Freind may testify about the negotiation, intent and status of the relevant collective bargaining agreements as well as some of the allegations set forth in Plaintiff's Amended Complaint.

2. Clint Grassmick

Mr. Grassmick may testify about the negotiation, intent and status of the relevant collective bargaining agreements as well as some of the allegations set forth in Plaintiff's Amended Complaint.

3. Sue Gannon

Ms. Gannon may testify about the negotiation, intent and status of the relevant collective bargaining agreements as well as some of the allegations set forth in Plaintiff's Amended Complaint.

4. Pierre Adam

Mr. Adam may testify about the negotiation, intent and status of the relevant collective bargaining agreements as well as some of the allegations set forth in Plaintiff's Amended Complaint.

5. To be determined

An individual who may testify about the nature of the work being performed for which Plaintiff seeks fringe benefit contributions.

6. To be determined

An individual who may testify that any work being performed is "outside telephone work" as that term is used in the relevant collective bargaining agreements.

7. Dean Bradley

Mr. Bradley may testify about the negotiation, intent and status of the relevant collective bargaining agreements as well as some of the allegations set forth in Plaintiff's Amended Complaint.

8. Chad Clark

Mr. Clark may testify about the negotiation, intent and status of the relevant collective bargaining agreements as well as some of the allegations set forth in Plaintiff's Amended Complaint.

9. Keith T. Sarns

Mr. Sarns may testify about the negotiation, intent and status of the relevant collective bargaining agreements as well as some of the allegations set forth in Plaintiff's Amended Complaint.

10. Kevin M. Shaffer

Mr. Shaffer may testify about the negotiation, intent and status of the relevant collective bargaining agreements as well as some of the allegations set forth in Plaintiff's Amended Complaint.

11. Henry J Matuliewicz

Mr. Matuliewicz may testify about the negotiation, intent and status of the relevant collective bargaining agreements as well as some of the allegations set forth in Plaintiff's Amended Complaint.

Defendant may also call records custodians and past and present employees of the following entities:

12. Henkels & McCoy, Inc.

13. National Electrical Annuity Plan

14. International Brotherhood of Electrical Workers, Local 17

15. International Brotherhood of Electrical Workers, Local 876

16. International Brotherhood of Electrical Workers

In addition, Defendant may call the following witnesses:

17. All persons referred to any complaint filed in this lawsuit, but not specifically named.
18. All persons who signed or who are referred to in any collective bargaining document relevant to this lawsuit.
19. All persons or entities listed on Plaintiff's witness list, or any other witness list filed in this case.
20. All persons or entities referred to in depositions, interrogatories, answers to interrogatories, responses to requests for documents or responses to third-party subpoenas.

As discovery is ongoing, Defendant reserves the right to designate further witnesses, including experts, after the close of discovery. If it appears that additional witnesses will or may be called to testify at trial, their names shall be reported to Plaintiff's counsel as soon as possible prior to trial. This restriction does not apply to rebuttal witnesses.

Respectfully submitted,

/s/Brian M. Schwartz

Miller, Canfield, Paddock and Stone, P.L.C.

Attorneys for Defendant

150 West Jefferson, Suite 2500

Detroit, Michigan 48226

(313) 963-6420

[schwartzb@millercanfield.com](mailto:schwartzb@millercanfield.com)

P69018

Dated: May 31, 2019

**CERTIFICATE OF SERVICE**

I hereby certify that on May 31, 2019, I caused to be electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to all attorneys of record.

/s/Brian M. Schwartz

Miller, Canfield, Paddock and Stone, P.L.C.

Attorneys for Defendant

150 West Jefferson, Suite 2500

Detroit, Michigan 48226

(313) 963-6420

[schwartzb@millercanfield.com](mailto:schwartzb@millercanfield.com)

P-69018